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Policy Paper on Cross-border Investment in Agriculture & the Role of Finance



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About Fair Finance Cambodia

The Fair Finance Cambodia (FFC) coalition aims to reduce the negative impacts of cross-border investments on human rights, the environment and climate change, particularly those made by multinational financial institutions, banks and insurers while increasing inclusive economic development. FFC is operational in Cambodia – wherein the Fair Finance Cambodia Civil Society Organisation (CSO) coalition leads research and engagement with key stakeholders, including financial regulatory and policymaking institutions, banking and investment associations, multilateral development banks and academia. FFC is a member of Fair Finance Asia, a regional network of CSOs committed to ensuring that financial institutions' funding decisions in the region respect local communities' social and environmental well-being.

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Executive Summary

The following policy paper is a derivation of the research report into cross-border agricultural investments in Cambodia. The paper aims to provide content for a discussion on future reform regarding the Cambodian financial sector, specifically the promotion of sustainable finance. Through our desk research, we emphasised the increasing relevance of sustainable finance as an innovative concept of international development, including in Cambodia.

The recommendations, some of which advocate for tighter legal requirements and the creation of training sessions for financial practitioners, are articulated over three areas: the enhancement of human capital through capacity-building initiatives, regulatory reform, and pro-transparency requirements. The content of the recommendations followed the nature of the findings from the research report, which identified three critical gaps in promoting sustainability in the Cambodian financial sector.

These gaps included a lack of awareness among practitioners in the financial sector regarding the concept and implications of sustainable finance, relatively weak enforcement of the regulatory framework, and a lack of standard requirements for financial institutions (FIs) regarding their disclosure of information on sustainable initiatives.

Adopting the recommendations may help bridge the gaps in these three areas. We predict that the Cambodian financial sector will reap several benefits, including increased trust among stakeholders and greater capacity among FIs to switch their operations to more sustainable practices.

1. Background

Despite enjoying steady economic growth rates, the process of Cambodian development has not always been smooth. In the agricultural sector, characterised by vast Economic Land Concessions (ELCs) and substantial foreign investment, allegations in recent years have targeted the operations of agribusiness companies, particularly foreign investors, regarding their respect for local communities and land tenure.

In a well-publicised case, a Vietnamese agribusiness firm operating in Cambodia, Hoang Anh Gia Lai, was involved in controversial land clearing, which drew the ire of local communities. Complaints by these communities were taken on several occasions to higher authorities, including the ombudsman of an international development organisation, the International Finance Corporation (IFC). Such complaints focused not only on the disregard of land and tenure rights by the operating firm but also on the involvement of the IFC itself in providing loans to said firm via intermediary banks. Such involvement would raise questions over the IFC's stated commitment to promoting sustainable investment practices. This case highlights the relations between the role of finance and the promotion of sustainable practices in the agricultural sector in Cambodia. Given the crucial role of finance in driving investment in agriculture, it is undeniable that the guarantee of fair practices in the Cambodian financial sector would provide a considerable boost to the successful resolution of conflicts between agribusiness firms and local communities.

2. Methodology

The methodology for the policy paper and the research report involved a combination of desk review and primary data collection.

Desk review was conducted initially to identify the main stakeholders in the Cambodian financial stakeholder. The stakeholders were mapped according to their presumed levels of knowledge of financial practices in agriculture and their willingness to share relevant information during an eventual interview. This assessment was based on the assumption – borne out of the prior working experience by the research team – that some stakeholders, especially banks, would be reluctant to share what they consider sensitive information regarding their lending and other financial operations. This risk constituted one of the operational limitations identified by the research team in the inception report.

The assessment produced a small set of stakeholders identified for the interviews. Questions were then drafted for the data collection phase. Some of the knowledge gained from the desk review, such as Cambodia's sustainable finance initiative and the driving role of the Association of Banks of Cambodia (ABC) in promoting sustainable finance in the country, was used to inform the drafting of the questions. Given the time limitations, the questions were designed to provide a way to crosscheck the desk review findings and gain new qualitative data.

In particular, the expectation for the interviews was to understand more about the financial sector's own perception of the sustainable finance initiative and approximate timelines for future stages of reform. Unfortunately, some of the expected work limitations emerged during the interviews, as interviewed stakeholders were unwilling to share many details regarding the lending activities of Cambodian FIs. Despite these limitations, enough qualitative data was gathered to produce an innovative and valuable research report.

3. Key Findings and Analysis

3.1 Issue description

Our key finding was that the Cambodian financial sector's ability to ensure its activities are sustainable is currently weak. 'Sustainable' in this context implies activities that do not cause negative environmental, social or governance (ESG) issues either directly or indirectly. These weaknesses are evident across three dimensions.

Firstly, financial practitioners and other stakeholders lack awareness of the concept and implications of sustainable finance. In particular, staff working at Cambodian banks and other FIs are not very aware that sustainable finance is gaining ground globally as an innovative and profitable development solution, especially the relationship between sustainable development and business profitability. Several cases in the literature illustrate how international banks have profited in several ways by mainstreaming sustainability into their operations and strategies. Some local initiatives in Cambodia have been promoted and adopted by FIs, mainly through the work of the primary sectoral association. However, the general picture is that sustainable finance is still in the introductory phase in the country.

From the regulatory perspective, there appear to be few legal incentives for Cambodian FIs to incorporate sustainability in their practices. Any achievements so far in this regard have been possible thanks to the pioneering work of the ABC. The association has allowed willing members of their network of banks to comply with a certain degree of sustainability measures aimed towards the Cambodian financial sector. Most importantly, adopting such measures is voluntary, leaving a large window for banks not to comply and suffer little consequence. There are talks of future reform to the legal framework. However, the relevant legislation is still being drafted at this stage, and its exact content and impact on the financial sector is purely a matter of speculation.

Finally, Cambodian FIs have few requirements to adopt pro-transparency measures, such as disclosing relevant information on their governance structure, operational exposure to E&S risk, and adoption of sustainability strategies or policies. Some FIs in the country, as mentioned, have followed the trend set by the Cambodia Sustainable Finance Initiative and have started publishing online reports detailing their sustainability policies and efforts to help local communities, including quantitative data. With sustainable finance in its introductory phase, this is a promising and notable trend. However, these efforts are not standardised, with some reports being much more detailed than others and some appearing as broad vision statements. It is also unclear how these efforts reflect a sector-wide approach to the problem rather than individual initiatives.

3.2. Scope of the recommendations

Having identified the problem, we make recommendations over three areas: capacity-building, regulatory measures, and pro-transparency measures. These aim to provide a practical tool for discussion with relevant stakeholders, particularly the Royal Government of Cambodia. Hopefully, the conversation can provide an impetus for the promulgation of reform in this field by contributing to consultations among affected stakeholders in Cambodia. These recommendations intend to be a collective tool aimed at the Cambodian government and other relevant stakeholders that can contribute towards reforming the financial sector. These actors include Cambodian FIs, regulators, sectoral associations, development partners, and the public.

4. Recommendations

4.1 Capacity building

4.1.1 Introduction

Capacity-building recommendations aim to fill current gaps in the awareness of sustainable finance among Cambodian financial stakeholders. They primarily target the workforce of Cambodian FIs, including all levels of staff, from frontline clerks to senior management. They also address the government, financial sector regulators, development partners, and representatives from sectoral associations (such as the ABC) and consumer associations.

Impact on Cambodia

Successful implementation of these recommendations would increase knowledge and awareness of sustainable finance at several levels of Cambodian society. Most importantly, Cambodian banks and other FIs would be in a much better position to spread financial good practices in the country actively. In practice, this would mean, for example, frontline staff trained to recognise the Environmental and Social risks better when handling transactions with clients or senior managers spearheading the creation of new and more detailed environmental sustainability strategies for their companies.

However, staff workers in finance would not be the only beneficiaries of this development. The Cambodian government and financial regulators would be more aware of good practices in other countries, helping them make more informed decisions when conducting relevant policy reform in Cambodia.

Finally, the wider public, represented by customers of FIs in Cambodia, would be more aware of corporate and sectoral sustainability initiatives carried out by actors in Cambodia, affording them greater informed consumer choices. By rewarding sustainability-conscious banks, for example, Cambodian borrowers would encourage more banks to move in the same direction.

4.1.2 Training sessions and informative campaigns

The two recommendations are to arrange training sessions and carry out informative campaigns on aspects of sustainable finance. Both these initiatives entail the creation of informative curricula tailored to the requirements of the target stakeholders.

Due to the scope of work, FI staff members and financial regulators are more involved in sustainable finance than other stakeholders, such as consumer associations. Therefore, training and dissemination materials designed for the financial private sector and regulators would be more in-depth and cover more technical aspects of sustainable finance.

Introductory information could include, among others, explanations on key definitions and

concepts and an overview of international best practices. Making the business case for sustainability and giving examples of regulatory frameworks by governments and regulators worldwide could be key topics. As the main drivers of change in sustainable finance, the private sector must grasp the potential benefits of "going green". The informative material should provide plenty of practical examples of such benefits gained by FIs, such as an enhanced brand reputation and access to low-interest rate loans.

On the other hand, materials designed for other stakeholders would be lighter and less technical. The primary focus can be on ways non-financial stakeholders can make the sector more sustainable, such as developing multi-stakeholder engagement platforms and agreeing on concerted action plans. As mentioned in the research report, there is a vast amount of literature detailing financial best practices to draw from when designing the training and informative curricula.

4.2 Regulatory

4.2.1 Introduction

Regulatory recommendations aim to provide a space for continuous sustainable finance reform, thus strengthening the role of the government and other regulators in promoting financial best practices. Although the Cambodian government has supported the Cambodia Sustainable Finance Initiative by having it endorsed by the Ministry of Environment, Cambodia's current financial regulatory framework does not have stringent requirements for FIs to integrate sustainability in their strategy and operations.

Thus far, the autonomous initiative of Cambodia's leading sectoral association, the ABC, provides the main impetus for change. The promotion of sustainable finance currently relies mainly on the voluntary participation of FIs, with few legal incentives for non-participating FIs to comply. Introducing sustainability requirements for all FIs and establishing an overarching sectoral strategy with clear roles and requirements assigned to every stakeholder in Cambodia (from FIs to sectoral associations and national regulators), could strengthen the regulatory framework. These recommendations are meant primarily as a collective effort for Cambodian FIs, the government, and sectoral associations.

Impact on Cambodia

A more stringent financial regulatory framework is expected to increase sustainability integration into the corporate strategy and operations of FIs.

Moreover, the establishment of a sector-wide national strategy is expected to increase the participation of all major stakeholders in promoting sustainable finance in Cambodia.

Components of the strategy could be the creation and formalisation of a multi-stakeholder platform for dialogue and engagement across all relevant sectors of Cambodian society. This platform could provide a venue for more disaffected Cambodian actors – such as members from civil-society organisations – to offer their advice on how to mitigate some of the environmental and social risks that come from current financial practices in the country. Cross-sectoral engagement and dialogue, if conducted constructively, is expected to build trust and communication venues between various interest groups.

4.2.2 Establish a sectoral strategy and engagement platform

The first step in elucidating the Cambodian regulatory framework would be to establish a national sectoral strategy, allocating clear roles and tasks for each stakeholder of the financial sector. While the detailed contents of the strategy can be discussed in a future venue, it would include a vision statement, a stakeholder map, and a roadmap with a comprehensive timeline of activities.

The process could involve a series of multi-stakeholder consultations and the assistance of sector experts, who would illustrate some of the international best practices and help guide the formulation of the strategy.

The consultations could be formalised into a national dialogue and engagement platform, which could meet regularly to provide ongoing discussion on aspects regarding the implementation of sustainable finance in Cambodia.

Preliminary guidelines could help steer the consultation process. These could include: defining the private sector as the primary driver of sustainable finance promotion in Cambodia, identifying the ABC as a primary coordinator of sustainable finance initiatives, assigning a supervisory role to the National Central Bank and a regulatory role to the relevant line ministries, and laying the foundations for more "grassroots" participation channels from the wider public, including Civil Society Organisations and consumer associations. These guidelines could be published in a document and circulated among stakeholders before the consultations.

4.2.3 Create tools to manage non-compliance and stakeholder dialogue

Implementing two tools could improve the effectiveness of regulatory changes: establishing a system of penalties for non-compliers and a mechanism to address grievances from Cambodian society.

The former could be a system of penalties based on the severity of the offence. For instance, lighter offenders could be included as examples in third-party monitoring reports or issued a warning. In comparison, heavier offenders could face suspension from the ABC or any other relevant sectoral body to which they belong.

The latter can be a monitoring mechanism to address grievances from Cambodian society regarding the implementation of financial practices in the country. Hearing and attempting to solve such grievances would go a long way in building trust amongst the more disaffected segments of Cambodian society. While the exact structure of the mechanism is still to be defined, like in other cases, there are vast quantities of informative material on similar tools already existing worldwide, such as civil ombudsmen.

4.3 Monitoring and disclosure

4.3.1 Introduction

The final set of recommendations aims to bridge the current transparency gap regarding the disclosure of sustainable activities, including the adoption of corporate sustainability strategies and ongoing initiatives, by Cambodian FIs.

As mentioned earlier, the current regulatory framework lacks stringent requirements for FIs in implementing sustainable practices. Some areas with few or no regulatory requirements include FIs' self-disclosure of their sustainable activities and strategies, E&S policy and governance structure, and operational exposure to E&S risks. Cambodian FIs, therefore, have little legal incentives to disclose information to the public by publishing freely available sustainability reports on their website, for example. Disclosing such material relies on the voluntary adherence to transparent information-sharing practices by institutions in the country.

Since a critical component of sustainable development - and sustainable finance specifically – is to include a broader range of stakeholders in the monitoring of company activities – it would

help in this regard to provide a stronger incentive for Cambodian FIs to disclose relevant information to the public.

Impact on Cambodia

Implementing the monitoring and disclosure recommendations can significantly reduce the mentioned transparency gap, guaranteeing wide-ranging benefits to Cambodian society. These benefits include building trust among financial stakeholders while increasing the capacity for affected stakeholders (such as the government, CSOs and consumer associations) to monitor operations by FIs effectively and identify weak points in the corporate implementation of sustainable practices.

By making information clearly available to anyone interested to view it, FIs can show their goodwill towards the Cambodian public, especially towards interest groups that currently see themselves as marginalised in the decision-making process. In return, complying FIs can expect to gain significant returns, in terms of their reputation towards the Cambodian public and the international development community.

The information displayed can help those interested in monitoring corporate compliance with sustainability requirements by providing them with a more detailed knowledge of efforts by individual institutions in the field. This data can then be elaborated into measurement tools, such as stakeholder mapping, corporate benchmarking and performance indicators.

The resulting higher levels of trust among stakeholders is guaranteed to build further momentum for reform in the field, by breaking down obstacles to effective stakeholder cooperation and accelerating the convergence of interests. This process will ensure a long-lasting positive impact that goes beyond the immediate regulatory landscape, positioning sustainable finance reform as a key component of future Cambodian development.

4.3.2 Financial Institutions' report on sustainability strategies

The first recommendation is to mandatorily require FIs in Cambodia to disclose information on their sustainability strategies, operational exposure to E&S risk, and other corporate areas (like governance structures), which would be of interest to the public for monitoring purposes. Although, as mentioned, some companies in Cambodia are already actively sharing this information, this commitment is entirely voluntary.

Introducing a legal requirement in this regard, similar to that for FIs to adopt a sustainability strategy, would increase compliance among Cambodian FIs. In the same way, a tiered system of penalties could be introduced for non-compliers, ranging from warnings to sanctions, while compliant companies could be rewarded with increased reputation and recognition from the competent regulators.

4.3.3 Provide standard templates for reporting

The second recommendation is to provide FIs with standard templates for the mentioned reporting requirements. The templates can be circulated among FIs and other financial stakeholders, and their adoption could be the subject of a training session provided to complying Cambodian FIs.

The standardisation of reporting material would help reduce operative costs for compliers – the FIs – and those in charge of monitoring these reports. In the first case, FIs would reduce the time and costs dedicated to writing such reports by having clear guidelines and instructions on the exact type of information required beforehand. In the second case, monitoring stakeholders can use these standardised reports to make more informed decisions and even provide benchmarks against the levels of compliance by FIs.

There is a vast amount of material regarding the adoption of standard templates by international financial stakeholders, some of which was detailed in the research report. This material can help inform the choice of such templates for the Cambodian financial sector.